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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/225,574      | 01/05/1999  | ROBIN TARRY          | 024730018           | 2324             |

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EXAMINER

MILLER, BENA B

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/225,574

Applicant(s)

TARRY ET AL.

Examiner

Bena Miller

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38, 40-42, 46-48, 50, 51 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann.

Regarding claim 38, Mann in figures 1-19J teaches a system for providing real-time instructional feedback of a user comprising a video camera forming a real-time video signal (14), a processor generating an instructional signal (col. 8, par.2), a video controller (18; col. 8, par. 2 and 3) and first display device displaying the composite video signal (32 or 25).

Regarding claim 40, Mann further teaches a second display device coupled to the video controller and the video controller includes circuitry (col. 9, par. 5- col. 10, line 17).

Regarding claims 41, Mann further teaches the video controller including a signal splitter (col. 7, par. 5 and col. 8, par. 5 – col. 9, line 18).

Regarding claim 42, Mann further teaches the video controller including a video mixer (col. 9, par. 5 – col. 10, line 17).

Regarding claim 46, Mann further teaches the processor including a personal computer (20).

Regarding claim 47, Mann further teaches the processor includes means for receiving an instructional input generated at a site remote (col. 9, par. 5 – col. 10, line 17).

Regarding claim 48, Mann teaches in figures 1-19J a method for providing real-time instructional feedback of a user engaged in an activity comprising the steps of forming a real time video signal of the user (14), generating an instructional signal (col. 8, par. 2), combining the instructional signal and the real-time video signal to form a composite video signal with an instruction image superimposed onto an image of the user engaged in the activity (col. 6, par. 4- col. 7, line 10 and col. 8, par 2 and 3; 18) and displaying the composite video signal to the user on a first display device (32 or 25).

Regarding claim 50, Mann further teaches displaying an annotated video signal, generated from the real-time video signal, on a second display device (col. 9, par. 5- col. 10, line 17).

Regarding claim 51, Mann further teaches superimposing the instructional signal with the real-time video signal (col. 6, par. 4 – col. 7, line 10 and col. 8, par. 2 and 3; 18).

Regarding claim 54, Mann further teaches receiving an instruction input generated at a site remote from the user and converting the instructional input into the instructional signal (col. 9, par. 5 – col. 10, line 17).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3712

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 43-45, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Brostedt (WO 98/25250).

Mann teaches in the figures most of the elements of the claimed invention, including the elements as noted above. Regarding claims 39 and 49, Mann fails to teach the first display including a head mounted display. Brostedt teaches in figures 1-10 a system and method for teaches physical skills such as golf by the use of video reproduction utilizing a video image of an instructor (Abstract, page 1). The student is able to view the video of the instructor on a pair of video glasses (101). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a head-mounted display as taught by Brostedt with device of Mann for the purpose of the student viewing an video image of an instructor when practicing.

Regarding claims 43-45, 52 and 53, Mann fails to teach an audio output, earphones, and the video controller including circuitry for generating an aural signal for the audio output. Brostedt teaches on page 15, lines 1-11, the video controller 36 including a microphone 36X (34A, page 9, line 27) and the glasses 101 including earphones that permits the student to hear sounds provided along with the video signals. Also, Brostedt teaches on page 9, lines 25-35, the microphone picks up audio sounds. The audio signal processor is utilized to process the audio signal from the microphone to the record it along with the video by means of a recorder 29. It would have been obvious to one having ordinary skill in the art at the time the invention was


Art Unit: 3712

made to provide a earphones as taught by Brostedt with the device of Mann for the purpose of allowing the student to hear sounds provided along with the video signals. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a circuitry for generating an aural signal for audio output as taught by Brostedt in the device of Mann for the purpose of permitting the student to hear sounds provided along with the video signals.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643.

The examiner can normally be reached on Monday-Friday.

  
Bena Miller  
Examiner  
Art Unit 3712

bbm  
February 6, 2003